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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 18 2020

SEAN F. McAVOY, CLERK DEPUTY
SPOKANE, WASHINGTON

7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

Case No.: 2:18-CR-00058-RMP-1

10 Plaintiff,

PLEA AGREEMENT

11 v.

Federal Rule of Criminal Procedure
11(c)(1)(C)

12 DENNIS MICHAEL HOGAN,

Court:
Hon. Rosanna Malouf Peterson
United States District Judge

13
14 Defendant.

15 Plaintiff United States of America, by and through William D. Hyslop, United
16 States Attorney for the Eastern District of Washington, and David M. Herzog,
17 Assistant United States Attorney for the Eastern District of Washington, and
18 Defendant Dennis Michael Hogan (“Defendant”), both individually and by and
19 through Defendant’s counsel, Bevan Maxey, hereby agree to the following Plea
20 Agreement:

21 1. Guilty Plea and Maximum Statutory Penalties For Criminal Charges

22 Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), Defendant agrees
23 to enter a plea of guilty to Count 2 of the Superseding Indictment filed on December
24 17, 2019, charging Defendant with one count of Online Enticement, in violation of 18
25 U.S.C. § 2422(b).

1 Defendant understands that Online Enticement, in violation of 18 U.S.C.
2 § 2422(b), as charged in Count 2 of the Superseding Indictment, is a Class A felony
3 offense that carries the following potential penalties: a term of imprisonment of no
4 less than 10 years and up to a lifetime; a term of supervised release of not less than 5
5 years and up to a lifetime; a fine of up to \$250,000; restitution; mandatory registration
6 as a sex offender; a \$100 special penalty assessment; and an additional mandatory
7 special assessment of \$5,000 pursuant to the Justice for Victims of Trafficking Act
8 (“JVTA”) of 2015, absent a judicial finding of indigence.

9 Defendant understands that a violation of a condition of supervised release
10 carries an additional penalty of re-imprisonment for all or part of the term of
11 supervised release, pursuant to 18 U.S.C. § 3583(e)(3), without credit for time
12 previously served on post-release supervision. Defendant also understands that he
13 will be required to pay restitution and register as a sex offender.

14 2. The Court is Not a Party to the Agreement

15 The Court is not a party to this Plea Agreement and may accept or reject it.
16 Defendant understands that sentencing is a matter solely within the discretion of the
17 Court; that the Court is under no obligation to accept any recommendations made by
18 the United States and/or by Defendant; that the Court will obtain an independent
19 report and sentencing recommendation from the U.S. Probation Office; and that the
20 Court may, in its discretion, impose any sentence it deems appropriate, consistent with
21 the Rule 11(c)(1)(C) nature of this Plea Agreement.

22 Although the United States and Defendant agree to recommend that, pursuant to
23 Federal Rule of Criminal Procedure 11(c)(1)(C), the Court impose a term of
24 imprisonment between 120 and 180 months, to be followed by a lifetime term of
25 supervised release, Defendant acknowledges that no promises of any type have been
26 made to him with respect to the sentence the Court will ultimately impose. Defendant
27 understands that the Court is required to consider the applicable Guidelines sentencing
28 range, but may vary upward or downward from that sentencing range.

1 Defendant acknowledges that this Plea Agreement is entered pursuant to
2 Federal Rule of Criminal Procedure 11(c)(1)(C). Defendant understands that he may
3 withdraw from this Plea Agreement if the Court imposes a term of imprisonment of
4 greater than 180 months. Defendant also understands that the United States may
5 withdraw from this Plea Agreement if the Court imposes a term of imprisonment of
6 less than 120 months or a term of supervised release of less than Defendant's lifetime.

7 Defendant and the United States acknowledge that the imposition of any fine,
8 restitution, or conditions of supervised release are not part of the Rule 11(c)(1)(C)
9 nature of this Plea Agreement; that parties are free to make any recommendation they
10 deem appropriate as to the imposition of a fine, restitution, or conditions of supervised
11 release; and that the Court will exercise its discretion in this regard.

12 Defendant and the United States acknowledge that the Court's decisions
13 regarding the imposition of a fine, restitution, or conditions of supervised release will
14 not provide a basis to withdraw his guilty pleas or withdraw from this Rule
15 11(c)(1)(C) Plea Agreement.

16 3. Effect on Immigration Status:

17 Defendant recognizes that pleading guilty may have consequences with respect
18 to his immigration status if he is not a citizen of the United States. Under federal law,
19 a broad range of crimes may be removable offenses, including the offense to which
20 Defendant is pleading guilty. Removal and other immigration consequences are the
21 subject of a separate proceeding, however, and Defendant understands that while
22 deportation and/or removal appears to be a virtual certainty if he is not a citizen of the
23 United States, no one, including his attorney or the District Court, can predict with
24 absolute certainty the effect of his conviction on his immigration status. Defendant
25 nevertheless affirms that he wants to plead guilty regardless of any immigration
26 consequences that his plea may entail, even if automatic removal from the United
27 States is a virtual certainty if he is not a United States citizen.

1 4. Waiver of Constitutional Rights

2 Defendant understands that by entering this guilty plea, Defendant is knowingly
3 and voluntarily waiving certain constitutional rights, including:

- 4 a. The right to a jury trial;
5 b. The right to see, hear and question the witnesses;
6 c. The right to remain silent at trial;
7 d. The right to testify at trial; and
8 e. The right to compel witnesses to testify.

9 While Defendant is waiving certain constitutional rights, Defendant understands
10 that Defendant retains the right to be assisted through the sentencing and any direct
11 appeal of the conviction and sentence by an attorney, who will be appointed at no cost
12 if Defendant cannot afford to hire an attorney.

13 Defendant expressly waives his right to bring pretrial motions and
14 acknowledges that all defense motions currently pending before the Court are mooted
15 by this Plea Agreement. Defendant expressly waives all challenges to the
16 constitutionality of the statutes of conviction.

17 5. Elements of the Offense

18 The United States and Defendant agree that in order to convict Defendant of
19 Online Enticement, in violation of 18 U.S.C. § 2422(b), as charged in Count 2 of the
20 Superseding Indictment, the United States would have to prove beyond a reasonable
21 doubt the following:

- 22 a. *First*, between on or about August 24, 2016, and on or about
23 August 27, 2016, within the Eastern District of Washington and
24 elsewhere, Defendant used a facility or means of interstate
25 commerce, namely, the Internet, to persuade, induce, entice, or
26 coerce an individual who had not attained the age of 18 years, to
27 engage in sexual activity;

- 1 b. *Second*, Defendant could have been charged with a criminal
2 offense for that sexual activity, namely, production of child
3 pornography in violation of 18 U.S.C. § 2251(a), (e), and
4 attempting to engage in illicit sexual conduct in foreign places, in
5 violation of 18 U.S.C. § 2423(c), (e); and
6 c. *Third*, Defendant acted knowingly.

7 6. Factual Basis and Statement of Facts

8 The United States and Defendant stipulate and agree that the following facts are
9 accurate; that the United States could prove these facts beyond a reasonable doubt at
10 trial; and that these facts constitute an adequate factual basis for Defendant's guilty
11 pleas. This statement of facts does not preclude either party from presenting and
12 arguing, for sentencing purposes, additional facts that are relevant to the Guidelines
13 computation or sentencing, unless otherwise prohibited in this Agreement.

14 Between August 2016 and April 2018, while he was in the Eastern District of
15 Washington, Defendant communicated with females in the Philippines who had not
16 attained the age of 18 years (for purposes of this Factual Basis, "females"). Defendant
17 acknowledges that each of the females represented to him that she had not attained the
18 age of 18 years.

19 Defendant used Facebook and the Internet to communicate with each female,
20 and Defendant acknowledges that the Internet is a means and facility of interstate and
21 foreign commerce. In his communications with the females, Defendant repeatedly
22 asked each of them to produce sexually explicit images of themselves and/or other
23 females. Defendant acknowledges that the images he requested constitute child
24 pornography under federal law. Defendant asked the females to send those images to
25 him via Facebook and the Internet. In exchange, Defendant paid the females via
26 money transfers for the child pornography that they sent him.

27 With regard to Count Two of the Superseding Indictment, between August 24,
28 2016, and August 27, 2016, Defendant knowingly used the Internet to entice Minor

1 Female 1, a person who was 16 years old and told Defendant she was 16 years old, to
2 engage in sexual activity for which Defendant could have been charged with another
3 crime, namely, production of child pornography in violation of 18 U.S.C. § 2251(a),
4 (e), and attempting to engage in illicit sexual conduct in foreign places, in violation of
5 18 U.S.C. § 2423(c), (e). Defendant acknowledges that he acted knowingly.

6 Defendant acknowledges that he used Facebook and the Internet to make
7 arrangements for Minor Female 1 and other females to see him in person when he
8 traveled to the Philippines in foreign commerce.

9 Defendant also acknowledges that he enticed females (a) to take part in sexually
10 explicit conduct for the purpose of producing visual depictions of such conduct, and
11 (b) to send him those visual depictions using Facebook messenger and the Internet.
12 Defendant acknowledges that when females sent him images of child pornography
13 that he requested via Facebook messenger, the visual depictions were transported in
14 foreign commerce from the Philippines to the United States using the Internet.

15 Between August 24, 2016, and August 27, 2016, Defendant used Facebook
16 messenger to request that Minor Female 1 to take images of child pornography of
17 herself and send them to him, and to meet him on his next trip to the Philippines.
18 Defendant wired Minor Female 1 \$1000 Philippine pesos (approximately \$19).

19 Defendant acknowledges that when law enforcement executed a lawful search
20 at his residence in August 2017, they recovered numerous images of child
21 pornography, including images that Defendant solicited from females in the
22 Philippines.

23 Defendant acknowledges that law enforcement officers recovered chats and
24 messages in which he discussed engaging in illicit sexual conduct with females in the
25 Philippines.

26 Defendant also acknowledges that law enforcement officers recovered
27 Defendant's passport and travel documents consistent with him traveling to the
28 Philippines on the dates he referenced in his chats with the females.

1 In a consensual interview, Defendant admitted that he had been using Facebook
2 to solicit and receive images of child pornography and to negotiate the terms of
3 commercial sex with Facebook users who had identified themselves in their Facebook
4 profiles, and in the communications, as minor females in the Philippines.

5 7. The United States' and Defendant's Agreements

6 a. Dismissal And Agreement Not To Bring Other Charges

7 The United States Attorney's Office for the Eastern District of Washington
8 agrees that at the time of sentencing, the United States will move to dismiss Counts 1,
9 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Superseding Indictment filed on December
10 17, 2019, which charge Defendant with: Distribution and Attempted Distribution of
11 Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) (Count 1);
12 Production and Attempted Production of Child Pornography, in violation of 18 U.S.C.
13 § 2251(a), (e) (Counts 3, 7, and 13); Receipt and Attempted Receipt of Child
14 Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) (Counts 4, 8, and 9);
15 Travel in Foreign Commerce With a Motivating Purpose of Engaging in Illicit Sexual
16 Conduct, and Attempt to Travel in Foreign Commerce With a Motivating Purpose of
17 Engaging in Illicit Sexual Conduct, in violation of 18 U.S.C. § 2423(b), (e) (Counts 5
18 and 10); Online Enticement and Attempted Online Enticement, in violation of 18
19 U.S.C. § 2422(b) (Counts 6 and 12); and Possession and Attempted Possession of
20 Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2) (Count 11).

21 The United States Attorney's Office for the Eastern District of Washington also
22 agrees not to charge Defendant with Sex Trafficking by Force, Fraud, or Coercion, in
23 violation of 18 U.S.C. § 1591(a)(2), (b)(1) or Child Sex Trafficking, in violation of 18
24 U.S.C. § 1591(a)(2), (b)(2) based on information in its possession at the time of this
25 Plea Agreement and arising out of Defendant's conduct involving illegal activity
26 charged in the Indictment, unless Defendant breaches this Plea Agreement any time
27 before or after sentencing.

1 b. Request To Dismiss Stevens County Case

2 Upon entry of Defendant's guilty plea in this case, the United States will
 3 formally request that the Stevens County Prosecutor's Office dismiss the charge of
 4 Assault in the Third Degree – Fireman, Case Number 19-1-00280-33, in Superior
 5 Court of Washington, County of Stevens.

6 Defendant acknowledges that the United States does not have the authority to
 7 dismiss State charges, and that the Stevens County Prosecutor's Office may decline
 8 any request from the United States.

9 8. United States Sentencing Guideline Calculations

10 Defendant understands and acknowledges that the United States Sentencing
 11 Guidelines ("U.S.S.G." or "Guidelines") are applicable to this case and that the Court
 12 will determine Defendant's applicable Guidelines range at the time of sentencing,
 13 pursuant to the Guidelines. Defendant and the United States agree to the following
 14 Guidelines calculations.

15 a. Count 2: Online Enticement

Base Offense Level and Adjustments		Guideline Section
Online Enticement	28	U.S.S.G. § 2G1.3(c)
Use of a computer to solicit participation	+2	U.S.S.G. § 2G2.1(b)(6)(B)
Total	30	

19 b. Relevant Conduct

20 The United States and Defendant agree that Defendant's relevant conduct
 21 included a sufficient number of victims to increase Defendant's Combined Offense
 22 Level by five levels pursuant to U.S.S.G. § 3D1.4. Accordingly, the United States and
 23 Defendant agree that Defendant's combined offense level is 35, before the application
 24 of any other Specific Offense Characteristics or enhancements. U.S.S.G. § 3D1.4(a).

25 c. Increase Under U.S.S.G. § 4B1.5

26 The United States and Defendant agree that Defendant's Offense Level should
 27 also be increased by five levels pursuant to U.S.S.G. § 4B1.5(b)(1) and the
 28 Application Notes of Section U.S.S.G. § 4B1.5(b)(1).

1 d. No Other Agreements

2 Defendant understands and acknowledges that so long as the United States
3 recommends a sentence of incarceration of no more than 180 months, the United
4 States is free to seek and recommend increased punishment, as well as additional
5 sentencing Guidelines enhancements, departures, and upward variances for
6 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
7 pursuant to this Agreement, Defendant's relevant conduct, and any conduct in which
8 Defendant engaged, or in which he is alleged to have engaged, while on pretrial
9 release.

10 e. Acceptance of Responsibility

11 The United States will recommend that Defendant receive a three-level
12 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.
13 § 3E1.1(a), (b), if Defendant: accepts this Plea Agreement and enters a guilty plea no
14 later than February 18, 2020; demonstrates a recognition and an affirmative
15 acceptance of personal responsibility for his criminal conduct; provides complete and
16 accurate information during the sentencing process; and does not commit any
17 obstructive conduct. Defendant and the United States agree that the United States
18 may at its option and upon written notice to Defendant, not recommend a downward
19 reduction for acceptance of responsibility if, prior to the imposition of sentence,
20 Defendant is charged or convicted of any Supervised Release violation or criminal
21 offense whatsoever, or if Defendant tests positive for any controlled substance.

22 Accordingly, the United States and Defendant agree that Defendant's final
23 adjusted offense level, absent the application of any other Specific Offense
24 Characteristics or enhancements, will be level 37.

25 f. Criminal History

26 The United States and Defendant have no agreement and make no
27 representations as to Defendant's criminal history category, which will be determined
28 by the Court after the Presentence Investigative Report is completed.

1 9. Incarceration

2 Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the United States
3 and Defendant agree that a fair and just term of incarceration for Defendant is between
4 120 and 180 months, to be followed by a lifetime term of supervised release.
5 Defendant understands that the United States intends to recommend 180 months. The
6 United States understands that Defendant intends to recommend 120 months.

7 If the Court does not accept Defendant's guilty plea or Plea Agreement, or
8 chooses to sentence Defendant to a term of imprisonment greater than 180 months or
9 less than 120 months of incarceration, Defendant and/or the United States may
10 withdraw from this Plea Agreement and the Agreement will be null and void.

11 10. Supervised Release

12 The United States and Defendant agree to recommend a lifetime term of
13 supervised release. The United States and Defendant have no agreement as to the
14 conditions of supervised release that the Court will impose, except as set forth below.
15 Defendant acknowledges that the Court's decision regarding the conditions of
16 Supervised Release is final, non-appealable, and not part of the Rule 11(c)(1)(C)
17 nature of this Plea Agreement; that is, even if Defendant is unhappy with the
18 conditions of Supervised Release ordered by the Court, that will not be a basis to
19 withdraw his guilty pleas, withdraw from this Plea Agreement, or appeal his
20 convictions, sentence, or terms of supervised release. The United States and
21 Defendant agree to recommend that in addition to the standard conditions of
22 supervised release and the special conditions of supervised release that are imposed in
23 all child sex offender cases in this District, the Court impose the following conditions:

- 24 a. The United States Probation Officer may conduct, upon reasonable
25 suspicion, and with or without notice, a search of Defendant's
26 person, residences, offices, vehicles, belongings, and areas under
27 Defendant's exclusive or joint control.

1 b. Defendant shall report to the Probation Office any and all
2 electronic communications service accounts, as defined in 18
3 U.S.C. § 2510(15) used for user communications, dissemination
4 and/or storage of digital media files (i.e. audio, video, images).
5 This includes, but is not limited to, email accounts, social media
6 accounts, and cloud storage accounts. Defendant shall provide
7 each account identifier and password, and shall report the creation
8 of new accounts, changes in identifiers and/or passwords, transfer,
9 suspension and/or deletion of any account within 5 days of such
10 action. Failure to provide accurate account information may be
11 grounds for revocation. The Probation Office is permitted to
12 access and search any accounts using Defendant's credentials
13 pursuant to this condition only when reasonable suspicion exists
14 that Defendant has violated a condition of his supervision and that
15 the accounts to be searched contain evidence of this violation.

16 11. Criminal Fine

17 The United States and Defendant are free to make whatever recommendation
18 concerning the imposition of a criminal fine that they believe is appropriate.
19 Defendant acknowledges that the Court's decision regarding a fine is final, non-
20 appealable, and not part of the Rule 11(c)(1)(C) nature of this Plea Agreement; that is,
21 even if Defendant is unhappy with a fine ordered by the Court, that will not be a basis
22 to withdraw his guilty pleas, withdraw from this Plea Agreement, or appeal his
23 convictions, sentence, or fine.

24 12. Judicial Forfeiture

25 Defendant agrees to voluntarily forfeit and relinquish to the United States all
26 right, title and interest in all assets listed herein, and hereby agrees to execute any and
27 all forms and pleadings necessary to effectuate such forfeiture of assets, including, but
28 not limited to the following:

- 1 a. one homemade desktop computer, serial number unknown;
- 2 b. one Sony Vaio laptop computer, serial number
- 3 CXSMM01BRD02D330;
- 4 c. one Micron laptop computer, serial number 1684842-0001; and
- 5 d. one PNY 120GB Internal Computer Hard Drive, serial number
- 6 PNY151621755701027DB.

7 Defendant stipulates that he is the sole owner of the assets listed above and that
8 no one else has an interest in these assets. Defendant acknowledges that the assets
9 listed above, which he is agreeing to forfeit, are subject to forfeiture, pursuant to 18
10 U.S.C. § 2428, as property used or intended to be used in any manner or part to
11 commit or to facilitate the commission of Online Enticement, in violation of 18 U.S.C.
12 § 2422(b), to which he is pleading guilty. Defendant agrees to take all steps requested
13 by the United States to pass clear title to these assets to the United States, and to
14 testify truthfully in any forfeiture proceeding. Defendant agrees to hold harmless all
15 law enforcement agents/officers, and the United States, its agents, and its employees
16 from any claims whatsoever arising in connection with the seizure and/or forfeiture of
17 the assets listed above.

18 Defendant waives further notice of any federal, state or local proceedings
19 involving the forfeiture of the seized assets that he is agreeing to forfeit in this Plea
20 Agreement. Defendant further agrees to waive all constitutional, equitable and
21 statutory challenges in any manner (including direct appeal, habeas corpus, or any
22 other means) to any forfeiture carried out in accordance with this Plea Agreement on
23 any grounds, including that the forfeiture constitutes an excessive fine or punishment.

24 Defendant knowingly and voluntarily waives his right to a jury trial on the
25 forfeiture of the assets. Defendant waives oral pronouncement of forfeiture at the time
26 of sentencing, and any defects that may pertain to the forfeiture.

1 13. Mandatory Special Penalty Assessment

2 Defendant agrees to pay the \$100 mandatory special penalty assessment to the
3 Clerk of Court for the Eastern District of Washington, at or before sentencing,
4 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United
5 States before sentencing as proof of this payment. Defendant agrees that pursuant to
6 the JVTA, an additional mandatory special assessment of \$5,000 must be imposed
7 upon conviction, absent a judicial finding of indigence.

8 14. Restitution

9 The United States and Defendant agree that restitution is required. *See* 18
10 U.S.C. §§ 2259, 3663A, and 3664. Pursuant to 18 U.S.C. § 3663(a)(3), Defendant
11 voluntarily agrees to pay the agreed upon restitution amount for all losses caused by
12 Defendant's individual conduct, in exchange for the United States not bringing
13 additional potential charges, regardless of whether counts associated with such losses
14 will be dismissed as part of this Plea Agreement. With respect to restitution, the
15 United States and Defendant agree to the following:

16 a. Restitution Amount and Interest

17 The United States and Defendant stipulate and agree that, pursuant to 18 U.S.C.
18 §§ 3663, 3663A and 3664, the Court should order restitution in an amount to be
19 determined at or before sentencing.¹ The interest on this restitution amount, if any,
20 should be waived.

21 b. Payments

22 To the extent restitution is ordered, the United States and Defendant agree that
23 the Court will set a restitution payment schedule based on his financial circumstances.
24 *See* 18 U.S.C. § 3664(f)(2), (3)(A). That being said, Defendant agrees to pay not less
25 than 10% of his net monthly income towards his restitution obligations.

26
27

¹ At the time of the entry of the Plea Agreement, the United States has not received
28 restitution requests. If the United States receives restitution requests prior to
sentencing, the United States will inform the Court and defense counsel.

1 c. Treasury Offset Program and Collection

2 Defendant understands the Treasury Offset Program (“TOP”) collects
3 delinquent debts owed to federal agencies. If applicable, the TOP may take part or all
4 of Defendant’s federal tax refund, federal retirement benefits, or other federal benefits
5 and apply these monies to Defendant’s restitution obligations. *See* 26 U.S.C.
6 § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

7 Defendant also understands that the United States may, notwithstanding the
8 Court-imposed payment schedule, pursue other avenues to ensure the restitution
9 obligation is satisfied, including, but not limited to, garnishment of available funds,
10 wages, or assets. *See* 18 U.S.C. §§ 3572, 3613, and 3664(m). Nothing in this
11 acknowledgment shall be construed to limit Defendant’s ability to assert any
12 specifically identified exemptions as provided by law, except as set forth in this Plea
13 Agreement.

14 Until a fine or restitution order is paid in full, Defendant agrees fully to disclose
15 all assets in which he has any interest or over which he exercises control, directly or
16 indirectly, including those held by a spouse, nominee or third party. Until such time
17 as the fine or restitution order is paid in full, Defendant agrees to provide waivers,
18 consents or releases requested by the U.S. Attorney’s Office to access records to
19 verify the financial information.

20 d. Notifications and Waivers

21 Defendant agrees to notify the Court and the United States of any material
22 change in his economic circumstances (e.g., inheritances, monetary gifts, changed
23 employment, or income increases) that might affect his ability to pay restitution. *See*
24 18 U.S.C. § 3664(k).

25 Defendant agrees to notify the United States of any address change within 30
26 days of that change. *See* 18 U.S.C. § 3612(b)(1)(F).

27 These obligations ceases when Defendant’s restitution is paid-in-full.
28

1 Defendant acknowledges that the Court's decision regarding restitution is final,
2 non-appealable, and not part of the Rule 11(c)(1)(C) nature of this Plea Agreement;
3 that is, even if Defendant is unhappy with the amount of restitution ordered by the
4 Court, that will not be a basis to withdraw his guilty pleas, withdraw from this Plea
5 Agreement, or appeal his convictions, sentence, or restitution order.

6 15. Payments While Incarcerated

7 If Defendant lacks the financial resources to pay the monetary obligations
8 imposed by the Court, he agrees to earn money to pay toward these obligations by
9 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

10 16. Additional Violations of Law Can Void Plea Agreement

11 The United States and Defendant agree that the United States may at its option
12 and upon written notice to the Defendant, withdraw from this Plea Agreement or
13 modify its recommendation for sentence if, prior to the imposition of sentence,
14 Defendant is charged or convicted of any criminal offense whatsoever, tests positive
15 for any controlled substance, or violates a condition of his Supervised Release.

16 17. Waiver of Appeal Rights

17 Defendant understands that he has a limited right to appeal or challenge the
18 conviction and sentence imposed by the Court. Defendant expressly waives all of his
19 rights to appeal his conviction and the sentence the Court imposes, including the
20 requirement that he must register as a sex offender upon his release from prison as a
21 condition of supervised release, pursuant to 18 U.S.C. § 3583(d). Defendant waives
22 the right to appeal any restitution order imposed by the Court.

23 Defendant further expressly waives the right to file any post-conviction motion
24 attacking his conviction and sentence, including a motion pursuant to 28 U.S.C.
25 § 2255, except one based on ineffective assistance of counsel arising from information
26 not now known by Defendant and which, in the exercise of due diligence, Defendant
27 could not know by the time the Court imposes sentence. Should Defendant
28 successfully move to withdraw from this Plea Agreement or should Defendant's

1 convictions on the Superseding Indictment be set aside, vacated, reversed, or
2 dismissed under any circumstance, this Plea Agreement shall become null and void
3 and the United States may prosecute Defendant on all available charges.

4 Nothing in this Plea Agreement shall preclude the United States from opposing
5 any post-conviction motion for a reduction of sentence or other attack upon the
6 conviction or sentence, including, but not limited to, writ of habeas corpus
7 proceedings brought pursuant to 28 U.S.C. § 2255.

8 18. Sex Offender Registration

9 Defendant understands that by pleading guilty, he will be required to register as
10 a sex offender upon his release from prison as a condition of supervised release,
11 pursuant to 18 U.S.C. § 3583(d). Defendant also understands that independent of his
12 term of supervised release, he will be subject to federal and state sex offender
13 registration requirements, and that those requirements may apply throughout his
14 lifetime. Defendant agrees that during the duration of his registration requirement, he
15 will keep his registration current with the state sex offender registration agency or
16 agencies of any state in which he lives or resides for more than 72 hours. Defendant
17 agrees that during the duration of his registration requirement, he will notify the state
18 sex offender registration agency or agencies of any state in which he lives or resides
19 for more than 72 hours of changes to his name, place of residence, place of
20 employment, education, or religious worship, and any other information required by
21 such agency or agencies.

22 Defendant agrees that he will verify his sex offender registration information
23 with state sex offender registration agency or agencies of any state in which he lives
24 or resides for more than 72 hours. Defendant understands that he will be subject to
25 possible federal and state penalties for failure to comply with any such requirements.

26 Defendant acknowledges that if he resides in the State of Washington following
27 his release from prison, he will be subject to the registration requirements of RCW
28 § 9A.44.130.

1 Defendant further understands that, under 18 U.S.C. § 4042(c), notice will be
2 provided to certain law enforcement agencies upon his release from confinement
3 following conviction. As a condition of supervised release, Defendant shall initially
4 register with the state sex offender registration of the state of his release, and shall also
5 register with the state sex offender agency in any state where defendant resides, is
6 employed, works, or is a student, as directed by the Probation Officer.

7 Defendant shall provide proof of registration to the Probation Officer within 72
8 hours of release from imprisonment.

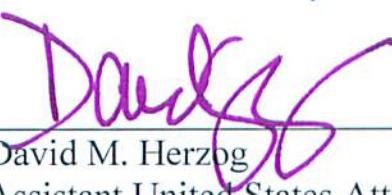
9 19. Integration Clause

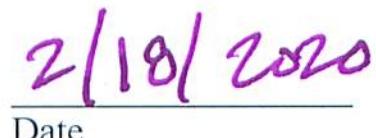
10 The United States and Defendant acknowledge that this document constitutes
11 the entire Plea Agreement between the United States and Defendant, and no other
12 promises, agreements, or conditions exist between the United States and Defendant
13 concerning the resolution of the case. This Plea Agreement is binding only on the
14 United States Attorney's Office for the Eastern District of Washington, and cannot
15 bind other federal, state or local authorities. The United States and Defendant agree
16 that this Agreement cannot be modified except in a writing that is signed by the
17 United States and Defendant.

18 Approvals and Signatures

19 Agreed and submitted on behalf of the United States Attorney's Office for the
20 Eastern District of Washington.

21 William D. Hyslop
22 United States Attorney

23 
24 _____
25 David M. Herzog
26 Assistant United States Attorney

27 
28 _____
Date

26 I have read this Plea Agreement and have carefully reviewed and discussed
27 every part of the agreement with my attorney. I understand and voluntarily enter into
28 this Plea Agreement. Furthermore, I have consulted with my attorney about my

1 rights, I understand those rights, and I am satisfied with the representation of my
2 attorney in this case. No other promises or inducements have been made to me, other
3 than those contained in this Plea Agreement and no one has threatened or forced me in
4 any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am
5 guilty.

6 

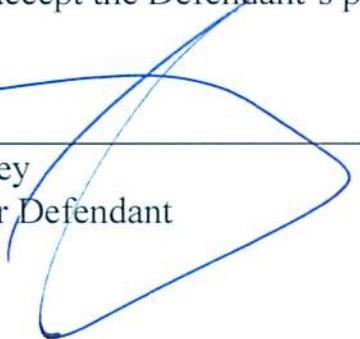
7
8 Dennis Michael Hogan
9 Defendant

2/18/20

Date

10 I have read the Plea Agreement and have discussed the contents of the
11 agreement with my client. The Plea Agreement accurately and completely sets forth
12 the entirety of the agreement between the parties. I concur in my client's decision to
13 plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court
14 should not accept the Defendant's pleas of guilty.

15
16 Bevan Maxey
17 Attorney for Defendant
18



2.18.20

Date

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